

UNITED STATES DISTRICT COURT

for the
District of ArizonaDof
3/2/23
United States of America)

v.)

Arturo Mendez-Tirado,
a.k.a.: Hector Manuel Hernandez,
(A027 096 476))

Case No. 23-5096MS

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of March 1, 2023, in the County of Yavapai, in the District of Arizona, the defendant violated Title 8, United States Code, Section 1326(a), an offense described as follows:

Arturo Mendez-Tirado, an alien, was found in the United States of America at or near Camp Verde, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Harlingen, Texas, on or about October 31, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

CHARLES BAILEY

Digitally signed by CHARLES BAILEY
Date: 2023.03.03 10:44:08 -07'00'

REVIEWED BY: Charles E. Bailey Jr., P.S. for AUSA Marcus W. Shand

☒ Continued on the attached sheet.

CHRISTOPHER L SPOHN

Digitally signed by CHRISTOPHER L SPOHN
Date: 2023.03.03 10:48:55 -07'00'Complainant's signatureChristopher L. Spohn,
Deportation OfficerPrinted name and title

Sworn to telephonically.

Date: March 3, 2023 @ 11:57amOfficial's signatureCity, State: Phoenix, ArizonaDeborah M. Fine,
United States Magistrate JudgePrinted name and title

STATEMENT OF PROBABLE CAUSE

I, Christopher L. Spohn, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer, with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On or about March 1, 2023, Arturo Mendez-Tirado was arrested by deputies with the Yavapai County Sheriff's Office and booked into the Yavapai County Jail (Y CJ), in Camp Verde, Arizona, on local charges. While Mendez-Tirado was incarcerated at the Y CJ, a 287(g) officer interviewed him and determined him to be a citizen of Mexico, unlawfully present in the United States. On the same date, an immigration detainer was lodged with the Y CJ for Mendez-Tirado. On or about March 2, 2023, Mendez-Tirado was released from the Y CJ to ICE custody and transported to the Phoenix ICE Field Office for further investigation and processing. Mendez-Tirado was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Arturo Mendez-Tirado to be a citizen of Mexico and a previously deported criminal alien. Mendez-Tirado was removed from the United States to Mexico, through Harlingen, Texas, on or about October 31, 2015, pursuant to a final order of removal issued by an immigration judge. There is no record of Mendez-Tirado in any Department of Homeland Security database to

suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Mendez-Tirado's immigration history was matched to him by electronic fingerprint comparison.

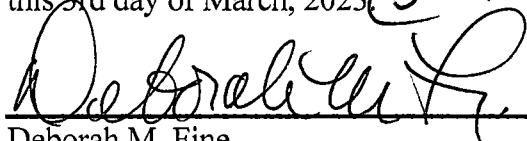
4. Criminal history checks revealed that on November 14, 2011, Arturo Mendez-Tirado was convicted of Possession with Intent to Distribute 100 Kilograms and More of Marijuana, and Reentry of a Removed Alien, both felony offenses, in the United States District Court, District of New Mexico. Mendez-Tirado was sentenced to sixty (60) months of imprisonment, and four (4) years of supervised release. Mendez-Tirado's criminal history was matched to him by electronic fingerprint comparison.
5. On or about March 2, 2023, Arturo Mendez-Tirado, was advised of his constitutional rights. Mendez-Tirado freely and willingly acknowledged his rights but declined to make a statement under oath.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about March 1, 2023, Arturo Mendez-Tirado, an alien, was found in the United States of America at or near Camp Verde, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Harlingen, Texas, on or about October 31, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).
7. This affidavit was sworn to telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose. I have thoroughly reviewed

the affidavit and the attachments to it, and attest that there is sufficient evidence to establish probable cause that the defendant violated Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

CHRISTOPHER L SPOHN Digitally signed by CHRISTOPHER L SPOHN
Date: 2023.03.03 10:52:38 -07'00'

Christopher L. Spohn,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to telephonically
this 3rd day of March, 2023. @ 11:57am



Deborah M. Fine,
United States Magistrate Judge